REMARKS

Allowable Subject Matter

The Examiner has objected to Claims 4, 7, 9 and 10 as being dependent on a rejected base claim, but has indicated that Claims 4, 7, 9 and 10 would be allowable if rewritten in independent form including all limitations of the base claim and any intervening claims. Applicants have amended Claim 4 to include all limitations of former Claims 1-3. Applicants have likewise amended Claim 7 to recite all of the limitations of Claim 6 and amended Claim 9 to recite all of the elements of Claim 8.

Applicants have cancelled Claim 1.

Claim Rejections Under 35 U.S.C. § 102

In the present Office Action, the Examiner has rejected Claims 1-3, 5, 6, 8, and 11-15 as being anticipated by U.S. Patent No. 5,835,700 to Carbonneau *et al.* (*Carbonneau*). Anticipation is established only when a single prior art reference discloses, either expressly or under the principles of inherency, each and every element of a claimed invention as well as disclosing structure which is capable of performing the recited functional limitations. *RCA Corp v. Applied Digital Data Systems*, Inc., 730 F.2d 1440, 221 U.S.P.Q. 385 (Fed. Cir. 1984); *W.L. Gore and Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 U.S.P.Q. 303 (Fed. Cir. 1983). Applicants respectfully submit that *Carbonneau* does not disclose all elements of Applicants' invention as recited in amended Claims 2-15, and Applicants' respectfully traverse the Examiner's rejections.

More specifically, with respect to Applicants' amended Claim 2, *Carbonneau* does not explicitly or inherently disclose "recognizing said connection with said other device in response to receipt of a reply by said outside device to a predetermined command by said circuit portion", as is recited in Applicants' amended Claim 2. The Examiner cites *Carbonneau* at Col. 19, lines 66 through Col. 20, line 15, as disclosing the recited functionality by teaching that "network integrity is detected by transmission of test patterns, which act as control commands between the devices, before allowing network interaction." The cited text discloses:

> After power-up self-diagnostics are completed by the CMAC board **150**, a data path integrity check can be initiated by the on-site technician keying-in a

> predefined test code into the frontpanel keyboard **126d** or the CMAC board **150** can automatically enter such a test phase on its own. In the data integrity test phase, the CMAC board **150** looks for a predefined set of test patterns to be transmitted from the host-to-SCSI adaptor module **117** to the CMAC board **150** over the SCSI bus **138**. The test patterns are selected as known in the art to detect and/or isolate common connection problems such as shorts, opens, stuck-ats, etc. If a data path integrity fault is detected during this phase, the CMAC board **150** will flash a corresponding and predefined pattern of lights and/or alarm tones and/or other indicators out over the frontpanel messaging module **126**. This will indicate to the on-site technician that a data path integrity problem exits and perhaps even isolate its location. Once the data path integrity is verified as being fault-free appropriate software can be downloaded into the CMAC board **150** from the network control console **102** for carrying out various other functions.

Applicants respectfully submit that the transmission of test patterns, described above, does not teach "a reply by said outside device to a predetermined command". While a command implies an instruction and suggests a response, a mere test pattern may simply be a signal used to test a physical connection's data integrity. Because the cited reference does not disclose Applicants' claimed feature of "recognizing said connection with said other device in response to receipt of a reply by said outside device to a predetermined command by said circuit portion", Applicants respectfully submit that *Carbonneau* does not anticipate Applicants' invention as recited in amended Claim 2.

The foregoing argument made with respect to Claim 2 is also made with respect to Claims 3 and 5, which further limit and patentably distinguish Claim 2. The foregoing argument made with respect to Claim 2 is also made with respect to similar Claim 8 and to Claim 11, which further limits and patentably distinguishes Claim 8. The foregoing argument made with respect to Claim 2 is also made with respect to similar Claim 12 and to Claim 13, which further limits and patentably distinguishes Claim 12. The foregoing argument made with respect to Claim 2 is also made with respect to similar Claim 14 and to Claim 15, which further limits and patentably distinguishes Claim 14.

With respect to Applicant's Claim 6, *Carbonneau* does not explicitly or inherently disclose "a second, self-checking test, which is executed when said unit is in an unfinished-product state prior to initial deployment and use," as is recited in Applicants' amended Claim 6. The Examiner cites *Carbonneau* at Col. 16, line 58 through Col. 17, line 15, as disclosing the recited functionality. The Examiner asserts that the cited text shows that "the second self-

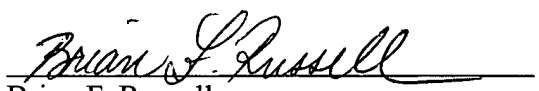
checking test is the operation that discovers a fatal error or an excessive number of nonfatal errors and initiates recovery and rebuild operations, where the system is in an unfinished state because a faulty drive must be replaced." The cited text discloses:

> If a fatal error or an excessive number of nonfatal errors is detected for one of the drives **141-146**, the CMAC board **150** may even be programmed to initiate a recovery and rebuild operation. It may be programmed to at the same time send an alarm message to the network supervisor through one or both of the network control console **102** and the portable paging receiver **103**.
>
> In some instances, a cabinet **121** can have 3 drives operating as a level-5 RAID system and one or two unused drives sitting in reserve. If the CMAC board **150** senses that one of the active RAID drives is beginning to have an error rate exceeding a predefined threshold, the CMAC board **150** can initiate a copy of the data in the failing drive into one of the spare drives, and at the appropriate moment (a bus quiescent moment), switch the back-up drive into the RAID triad (level-5) while removing the failing drive. The CMAC board **150** would inform the host computer **110** of this event-driven switch so that the host readjusts the SCSI ID's that define the RAID bank. The CMAC board **150** would also inform the network control console **102** of this switch so that the network manager is aware of the problem and the reconfiguration. If there are only 3 drives in the RAID bank and one drive is failing, the CMAC board **150** might switch the configuration from RAID level-5 to RAID level-0 (providing there is enough free storage space to support the switch without loss of data).

Applicants respectfully submit that the detection of a failure, described above, does not teach "a second self-checking test, which is executed when said unit is in an unfinished-product state prior to initial deployment and use". Because the cited reference does not disclose Applicants' claimed feature of "a second self-checking test, which is executed when said unit is in an unfinished-product state prior to initial deployment and use", Applicants respectfully submit that *Carbonneau* does not anticipate Applicants' invention as recited in Claim 6.

It is respectfully submitted that the claims are in condition for allowance and favorable action is requested. A one month extension of time is believed to be required, and a check for $110.00 is enclosed. However, in the event that an additional extension of time is required, please charge that extension fee and any other required fees to **IBM Corporation Deposit Account Number 09-0466.**

Respectfully submitted,



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